

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

HARRIS L. WINNS,
Plaintiff,

v.

EXELA ENTERPRISE SOLUTIONS INC,
Defendant.

Case No. 20-cv-06762-LB

**ORDER DENYING MOTION TO
APPOINT PRO BONO COUNSEL**

Re: ECF No. 3

Plaintiff Harris L. Winns, who is representing himself, asked the court to appoint him counsel.¹ “Generally, a person has no right to counsel in civil actions.” *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)). “However, a court may under ‘exceptional circumstances’ appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1).” *Id.* (citing *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004)). “When determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.’” *Id.* (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). “Neither of these considerations is

¹ Mot. to Appoint Counsel – ECF No. 3.

dispositive and instead must be viewed together.” *Id.* (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)).

On this record, the court does not appoint pro bono counsel. The court separately gave the plaintiff notice of the court’s resources for litigants representing themselves, including a copy of the district court’s handbook *Representing Yourself in Federal Court*, and the flyer for the Legal Help Center, a free service of the Volunteer Legal Services Program, which provides telephone appointments with an attorney who may be able to provide basic legal help but not representation.

IT IS SO ORDERED.

Dated: October 13, 2020



LAUREL BEELER
United States Magistrate Judge